



FILE COPY

BOX PROVISIONAL APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Von Seggern *et al.*

Appl. No.: 60/115,920

Filed: January 14, 1999

For: **Adenovirus Vectors, Packaging Cell
Lines, Compositions, and Methods
for Preparation and Use**

Art Unit: N/A

Examiner: N/A

Atty Docket: 1294.0010000 RWE/LBR

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Petition Under 37 C.F.R. § 1.182

Commissioner for Patents
Washington, DC 20231

Sir:

Applicants respectfully request that Provisional Application Serial No. 60/115,920, filed January 14, 1999 be treated as an application filed under 35 U.S.C. § 111(a). Upon granting of the petition, Applicants further request that the record indicate that the non-provisional application claims priority from International Application Number PCT/EP97/05251 (designating the United States) filed September 24, 1997, which claims priority from U.S. Application No. 08/719,806 filed September 25, 1996. Upon the granting of this petition, Applicants request that the accompanying amendment be entered which introduces a cross-reference to these related applications.

Applicants request this action under 37 C.F.R. § 1.182 because this is a situation not specifically provided for, as yet, in the regulations and should therefore be decided by the Commissioner. This petition is accompanied by the petition fee under § 1.17(h).

In support of this petition, Applicants submit a copy of the relevant pages of Public Law 106-113 (Exhibit A: Effective November 29, 1999). This text is believed to incorporate S.1948

introduced on November 17, 1999. Title IV, Subtitle H of section 4801(a)(5) of Public Law 106-13 entitled "Provisional Applications" reads in part "[n]otwithstanding the absence of a claim, upon timely request and as prescribed by the Director, a provisional application may be treated as an application filed under subsection(a) [referring to 35 U.S.C. § 111]. . . " Applicants respectfully submit that because the provisional application is still pending, the request to treat U.S. Application No. 60/115,920 as an application filed under 35 U.S.C. § 111(a) should be considered "timely."

If there are any fees in the connection with the filing of this petition in addition to that submitted herewith, please charge the fees to our deposit account No. 19-0036. If there are fees required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should be charged to our deposit account. If the processing of this petition may be expedited by discussions with the undersigned, the U.S.P.T.O. is respectfully requested to contact him at 202-371-2589.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Lawrence B. Bugaisky
Attorney for Applicants
Registration No. 35,086

Date: January 11, 2000

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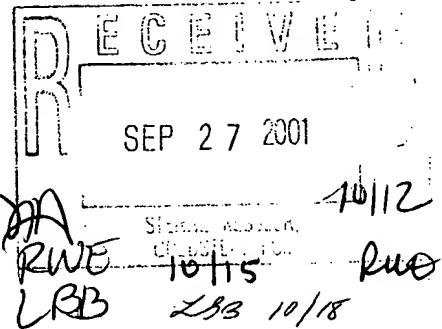


UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

September 5, 2001

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Paper # 163012900
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In re Application of: Von Seggern, et al. : DECISION GRANTING
Application No.: 60/115,920 : PETITION
Filed: January 14, 1999 :
Attorney Docket No.: 1294.0010000/REW/LBB :

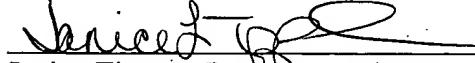
CORRECTION TO PREVIOUS NOTICE

This is a decision on your petition under 37 CFR 1.53(b)(1), received in the Patent and Trademark Office on January 11, 2000, to convert the above identified application to a non-provisional application under 35 U.S.C. 111 (a) and 37 CFR 1.53(b)(1).

The petition is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b)(1), including the assignment of a new non-provisional application number.

The non-provisional application serial number is 09/795,292. The filing receipt for the non-provisional application will be mailed in due course.


Janice Tippett, Program Assistant
Office of Initial Patent Examination
(703) 308-0910